

RESOLUTION NUMBER R- 313795

DATE OF FINAL PASSAGE NOV 16 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE ENVIRONMENTAL DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GUIDELINES SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) FOR WINDANSEA BARRIER – PROJECT NO. 666879.

WHEREAS, Friends of Windansea C/O Jim Neri filed an application with the City of San Diego for a Site Development Permit and Coastal Development Permit to install public improvements along the west side of Neptune Place between Westbourne Street and Palomar Avenue located within the La Jolla Community Plan and Local Coastal Program Land Use Plan area, Project No. 666879 (Project); and

WHEREAS, the Environmental Analysis Section (EAS) of the Development Services Department determined the Project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15303 (New Construction or Conversion of Small Structures) and determined that the exceptions to the exemption do not apply; and

WHEREAS, on August 27, 2021, a Notice to Right of Appeal was prepared and posted by EAS pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, on September 13, 2021, Preserve Windansea Beach Association filed an appeal of the Environmental Determination (Appeal); and

WHEREAS, on November 9, 2021, the City staff prepared a memorandum responding to the issues raised in the Appeal for the City Council's consideration; and

WHEREAS, the Appeal was set for public hearing to be conducted by the City Council of the City of San Diego (City Council) on November 16, 2021, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, a project is exempt from CEQA under CEQA Guidelines Section 15303 if it consists of the construction and location of limited numbers of new, small facilities or structures; and

WHEREAS, the Project involves the installation of public improvements along the west side of Neptune Place between Westbourne Street and Palomar Avenue including continuation of post and barriers, benches, and construction of a belvedere (gazebo) at the southern end of the work; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the appeal of the environmental determination is denied, based upon the substantial evidence provided in the record to support the exemption and that no substantial evidence has been provided to support a fair argument that one of the exceptions to the categorical exemption applies.

BE IT FURTHER RESOLVED, that the Environmental Exemption No. 666879 for the Project is approved and the Project is exempt from CEQA, pursuant to Guidelines Section 15303.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian  
Lindsey H. Sebastian  
Deputy City Attorney

LHS:nja  
11/17/2021  
Or. Dept: DSD  
Doc. No.: 2817036

Passed by the Council of The City of San Diego on NOV 16 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 16 2021.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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